

\* \* \* By combining the two antibiotics we obtain a very desirable synergistic action resulting in more effective curative action than when either Aureomycin or Tyrothricin is used separately."

Further misbranding, Section 502 (1), the article purported to be and was represented as a drug composed in whole or in part of aureomycin, and it was not from a batch with respect to which a certificate or release had been issued pursuant to the law.

DISPOSITION: January 9, 1951. Default of decree of condemnation and destruction.

#### DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

3343. Misbranding of methyltestosterone tablets. U. S. v. Zeno M. Weir (Weir's Drugs & Jewelry). Plea of nolo contendere. Fine, \$150. (F. D. C. No. 29433. Sample Nos. 51383-K, 51388-K, 52645-K.)

INFORMATION FILED: August 30, 1950, Western District of Kentucky, against Zeno M. Weir, trading as Weir's Drugs & Jewelry, Owensboro, Ky.

INTERSTATE SHIPMENT: From the State of New Jersey into the State of Kentucky, of quantities of *methyltestosterone tablets*.

ALLEGED VIOLATION: On or about November 1, 14, and 16, 1949, while the tablets were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets to be repacked and sold without a physician's prescription, which acts resulted in the tablets being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged tablets bore no label containing a statement of the quantity of the contents; and, Section 502 (f) (1), the repackaged tablets bore no labeling containing directions for use.

DISPOSITION: February 13, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$150.

3344. Misbranding of Nue-Ovo. U. S. v. 24 Units \* \* \* (and 13 other seizure actions.) (F. D. C. Nos. 24663, 24672, 24972, 25050, 25243, 25259, 25272, 25420, 25504, 25516, 26466, 26506, 26538, 26564, 26854. Sample Nos. 7987-K, 12576-K, 15579-K, 20629-K, 21902-K, 21904-K, 27531-K, ~~28984-K~~ 28985-K, 31372-K, 31374-K, 40639-K, 40683-K, 40688-K, 40690-K.)

LIBELS FILED: Between June 3, 1948, and April 1, 1949, District of Utah, Western District of Missouri, Southern District of California, Northern District of Oklahoma, District of Kansas, Western District of Washington, Eastern District of Michigan, and Middle and Western Districts of Pennsylvania.

ALLEGED SHIPMENT: Between January 11, 1947, and February 15, 1949, by the Nue-Ovo Co., from Chicago, Ill., and by Research Laboratories, Inc., from Portland, Oreg.

PRODUCT: Nue-Ovo. 41 1-pint bottles; 147 units, each containing 3 1-pint bottles; and 8 cases, each containing 6 units of 3 1-pint bottles, at Salt Lake City and Ogden, Utah; Springfield, Mo.; Glendale and Vernon, Calif.; Miami, Okla.; Hutchinson and Lawrence, Kans.; Bellefonte and Pittsburgh, Pa.; Tacoma, Raymond, and Olympia, Wash.; and Detroit, Mich.

**LABEL, IN PART:** (Bottle) "Nue-Ovo \* \* \* Active Ingredients: An Aqueous Extraction of Plume Thistle, Burdock, Quassia, Sage, Cinnamon, Horehound, Ginseng, Calamus, Dandelion, Althea, Kola Nut, Sodium Salicylate, Cascara, Licorice, Vitamin B<sub>1</sub>."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the display cards and circulars accompanying one of the Kansas lots were false and misleading since such statements represented and suggested that the article was effective in the treatment of arthritis and rheumatism, whereas it would not be effective for such purposes.

Misbranding, Section 502 (f) (1), the labeling of the article in the other lots failed to bear adequate directions for use since it failed to reveal the diseases or conditions of the body for which the article, when used as directed, would be effective.

**DISPOSITION:** Research Laboratories, Inc., appeared as claimant for all lots, with the exception of that seized at Olympia, Wash. On motion of the claimant, the actions instituted at Salt Lake City and Ogden, Utah, Pittsburgh, Pa., Springfield, Mo., and Glendale and Vernon, Calif., were removed for trial and final disposition to the Northern District of Illinois; and stipulations were entered in the other cases involving Section 502 (f) (1) charges, that the actions would wait the result and be governed by the judgment in the consolidated case.

On October 27, 1950, by consent of the claimant, judgment was entered in the Northern District of Illinois in the consolidated case, condemning the product and ordering that it be destroyed. The other actions involving Section 502 (f) (1) charges, were terminated on various dates between December 28, 1950, and February 5, 1951, by the entry of similar decrees.

The seizure at Lawrence, Kans., involving Section 502 (a) charges, was terminated on February 21, 1950, by the entry of a decree of condemnation and destruction, in accordance with a stipulation entered into that the disposition of the product would be governed by the judgment entered in the consolidated action reported in notices of judgment on drugs and devices, No. 2963.

On January 16, 1951, a default decree of condemnation was entered in the case instituted at Olympia, Wash., and the court ordered that the product be destroyed.

✓ **3345. Misbranding of Nue-Ovo. U. S. v. 4 Units \* \* \*. (F. D. C. No. 25171. Sample No. 28565-K.)**

**LIBEL FILED:** July 16, 1948, District of Colorado.

**ALLEGED SHIPMENT:** On or about April 7, 1948, from Chicago, Ill.

**PRODUCT:** 4 units, each containing 3 1-pint bottles, of *Nue-Ovo* at Denver, Colo.

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since it failed to reveal the diseases or conditions of the body for which the article, when used as directed, would be effective. The article was misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 27, 1950. Research Laboratories, Inc, claimant, having consented to the entry of a decree and the case having been consolidated with certain other cases referred to in the preceding notice of judgment in the